

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING

OF

TUESDAY, APRIL 20, 1982

AT 8:30 A.M.

IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Wilson at 8:42 a.m. The meeting was recessed by Mayor Wilson at 8:50 a.m. The meeting was reconvened by Mayor Wilson at 9:01 a.m. with Council Members Mitchell and Killea not present.

Mayor Wilson recessed the meeting at 9:19 a.m. The meeting was reconvened by Mayor Wilson at 10:38 a.m. with Council Members Mitchell, Cleator, Williams, and Gotch not present.

Mayor Wilson recessed the meeting at 10:41 a.m. to convene as the Housing Authority. The meeting was reconvened by Mayor Wilson at 10:57 a.m. with Council Member Mitchell not present. Mayor Wilson immediately recessed the meeting into Closed Session in the 12th floor conference room regarding pending litigation, and to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Wilson at 2:11 p.m. with Council Members Mitchell and Williams not present. Deputy Mayor Killea adjourned the meeting at 3:56 p.m.

ATTENDANCE DURING THE MEETING:

(M) Mayor Wilson-present.

(1) Council Member Mitchell-excused by R-256248 (vacation)

(2) Council Member Cleator-present.

(3) Council Member Golding-present.

(4) Council Member Williams-present.

(5) Council Member Struiksma-present.

(6) Council Member Gotch-present.

(7) Council Member Murphy-present.

(8) Council Member Killea-present.

Clerk-Abdelnour (mp a.m.; bb p.m.)

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

Mayor Wilson-present.

Council Member Mitchell-not present.

Council Member Cleator-present.

Council Member Golding-present.

Council Member Williams-present.

Council Member Struiksma-present.

Council Member Gotch-present.

Council Member Murphy-present.
Council Member Killea- present.

ITEM-330:

Proposal to AMEND CHAPTER X (Planning and Zoning Regulations) of the SAN DIEGO MUNICIPAL CODE by amending ARTICLE 1, DIVISION 5, SECTION 101.0503 to add a provision to allow the Zoning Administrator to permit commercial uses associated with agriculture in areas designated "future urbanizing." The provision would be applicable to Future Urbanizing Areas as designated in the adopted Progress Guide and General Plan.

Subitem-A: (R-81-1790) ADOPTED AS RESOLUTION R-256251

Adoption of a RESOLUTION certifying that the information contained in ENVIRONMENTAL NEGATIVE DECLARATION END-82-00-89 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (O-82-215) INTRODUCED AS AMENDED, TO BE ADOPTED MAY 3, 1982

INTRODUCTION of an ORDINANCE amending the Municipal Code.

FILE LOCATION:

MEET

COUNCIL ACTION: (Tape location: A016-138).

Hearing began at 8:43 a.m. and halted at 8:50 a.m.

Hearing resumed at 9:01 a.m. and halted at 9:03 a.m.

Testimony in favor by John M. Turner.

MOTION BY GOLDING TO CLOSE THE HEARING, ADOPT SUBITEM-A AND INTRODUCE SUBITEM-B AS AMENDED BY DELETING THE CLAUSE IN SECTION 2.

OF THE ORDINANCE WHICH READS AS FOLLOWS: "AND NO BUILDING PERMITS

FOR DEVELOPMENT INCONSISTENT WITH THE PROVISIONS OF THIS ORDINANCE

SHALL BE ISSUED UNLESS APPLICATION THERE OR WAS MADE PRIOR TO THE

DATE OF ADOPTION OF THIS ORDINANCE." Second by Williams. Passed by the following vote: Mitchell-not present, Cleator-yea, Golding-yea, Williams-yea, Struiksmayea, Gotch-yea, Murphy-yea, Killea-yea, Mayor Wilson-yea.

ITEM-331: INTRODUCED, TO BE ADOPTED MAY 3, 1982

INTRODUCTION of an ORDINANCE INCORPORATING the following existing mobilehome parks in the SAN YSIDRO AREA into MOBILEHOME PARK OVERLAY ZONE, as defined by SECTION 101.1001 of the SAN DIEGO MUNICIPAL CODE: 1. Arthur Winsor Trailer Park, 246 Pepper Drive East, San Diego (PORTION LOT A11, SAN YSIDRO, MAP-1174). 2. Dake's Trailer Court, 2370 Smythe Avenue, San Diego (PORTION LOTS A286 and A287, LITTLE LANDERS ADDITION NO. 7, MAP-1500). 3. El Don Trailer Court, 2323 East Beyer Blvd., San Diego (PORTION LOT A21, SAN YSIDRO, MAP-1174). 4. El Toreador Trailer Park, 636 East San Ysidro Blvd., San Diego (PORTION SECTION 1, T19S, R2W). 5. Gray's Trailer Court, 2277 Smythe Avenue, San Diego (PORTION LOT A73, SAN YSIDRO, MAP-1174). 6. Larson's Trailer Park, 2262 Smythe Avenue, San Diego (LOT A275, LITTLE LANDERS ADDITION NO. 7, MAP-1500). 7. Las Lomas Mobilehome Park 1819 Smythe Avenue, San Diego (PORTION LOT 65, BARRIO SAN MARTIN, MAP-7042). 8. Mobile Village Trailer Park, 181 Willow Road, San Diego (PORTION LOTS A23-A26, SAN YSIDRO, MAP-1174). 9. Southern La Suerta Trailer Park, 202 West San Ysidro Blvd., San Diego (PORTION LOTS A52-A54 and PORTION CLOSED LANDERS STREET and PORTION ABANDONED RR RIGHT-OF-WAY, SAN YSIDRO, MAP-1174). (Case-5-81-097 - City-initiated. DISTRICT-8.) (O-82-)

INTRODUCTION of an ORDINANCE for Mobilehome Park Overlay Zoning.
FILE LOCATION:

ZONE 4/20/82

COUNCIL ACTION: (Tape location: A139-354).

Hearing began at 9:03 a.m. and halted at 10:00 a.m.

Testimony by Al Tarvyd.

MOTION BY KILLEA TO CLOSE THE HEARING, APPROVE PLANNING COMMISSION'S RECOMMENDATION TO APPROVE MOBILEHOME PARK OVERLAY

ZONING FOR THREE OF THE FIVE PARKS RECOMMENDED BY THE PLANNING

DEPARTMENT, AND TO INTRODUCE THE ORDINANCE. Second by Williams.

Passed by the following vote: Mitchell-not present, Cleator-yea, Golding-yea, Williams-yea, Struiksmay-yea, Gotch-yea, Murphy-yea, Killea-yea, Mayor Wilson-yea.

ITEM-332: TRAILED TO P.M. MEETING

CONTINUED TO JUNE 22, 1982, AT 8:30 A.M.

19820420

(Continued from the Meeting of March 23, 1982 at appellant's request.)

APPEAL of VERNON H. BLACKMAN from the decision of the PLANNING COMMISSION in DENYING PRELIMINARY PARCEL MAP-02-227-0 which proposes a 4-lot parcel map of PARCEL 2, PARCEL MAP-839, located at the south termini of Nogales Drive and Mar Scenic Drive in the R-1-15 ZONE and within the boundaries of the Torrey Pines Community Plan area.
(PM-02-227-0. DISTRICT-1.)

Subitem-A: (R-82-)

Adoption of a RESOLUTION certifying that the information contained in ENVIRONMENTAL NEGATIVE DECLARATION END-81-09-26 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (R-82-)

Adoption of a RESOLUTION granting or denying the appeal and the map with appropriate findings to support Council action.
(Hearing open. No testimony taken.)

FILE LOCATION: SUBD Parcel 2, Parcel Map-839

COUNCIL ACTION: (Tape location: B397-400 and D010-044).

Hearing began at 2:12 p.m. and halted at 2:13 p.m.

MOTION BY GOTCH TO CONTINUE TO JUNE 22, 1982, AT 8:30 A.M. AT VERNON H. BLACKMAN'S REQUEST. Second by Killea. Passed by the following vote: Mitchell-not present Cleator-yea, Golding-yea, Williams-not present Struiksma-yea, Gotch-yea, Murphy-yea, Killea-yea, Mayor Wilson-yea.

ITEM-333:

19820420

Eight actions relative to Assessment District No. 3969 - Rio Vista Center:

Subitem-A: (R-82-1701) ADOPTED AS RESOLUTION R-256255

Resolution of THE CITY of SAN DIEGO amending its Resolution of Intention to provide for the ISSUANCE of BONDS to REPRESENT

and BE SECURED by UNPAID ASSESSMENTS pursuant to the San Diego Improvement District Procedural Ordinance of 1982 rather than the Improvement Bond Act of 1915.

Subitem-B: (R-82-1702) ADOPTED AS RESOLUTION R-256256

ORDERING CHANGES IN THE REPORT.

Subitem-C: (R-82-1703) ADOPTED AS RESOLUTION R-256257

MAKING FINDINGS CONFIRMING DIAGRAM and ASSESSMENT, as AMENDED, and ORDERING WORK.

Subitem-D: (R-82-1706) ADOPTED AS RESOLUTION R-256258

Awarding CONSTRUCTION CONTRACT for WORK and IMPROVEMENTS.

Subitem-E: (R-82-1704) ADOPTED AS RESOLUTION R-256259

ESTABLISHING BOND RESERVE FUND.

Subitem-F: (R-82-1705) ADOPTED AS RESOLUTION R-256260

Concerning Foreclosure of DELINQUENT ASSESSMENT LIENS.

Subitem-G: (R-82-1716) ADOPTED AS RESOLUTION R-256261

Authorizing the execution of UTILITY AGREEMENTS with SAN DIEGO GAS and ELECTRIC COMPANY and PACIFIC TELEPHONE COMPANY for the installation of UNDERGROUND UTILITIES in the RIO VISTA CENTER ASSESSMENT DISTRICT NO. 3969; authorizing the EXPENDITURE of \$193,141. for the sole and exclusive purpose of providing advance payment to San Diego Gas and Electric Company for the installation of gas distribution facilities from the bond proceeds; declaring that all rebates from said utility agreements be deposited in the Bond Reserve Fund for Rio Vista Center; declaring the authorizations contained in this resolution to be contingent upon the actual sale of the bonds and the receipt of the bond proceeds by the City.

Subitem-H: (R-82-1715) ADOPTED AS RESOLUTION R-256262

Approving the LETTER AGREEMENT with Conrock Co., dated February 11, 1982, with regard to the Rio Vista Center Subdivision and Assessment District No. 3969.

FILE LOCATION: STRT D-2228

COUNCIL ACTION: (Tape location: D045-067).

Hearing began at 2:14 p.m. and halted at 2:15 p.m.

MOTION BY STRUIKSMA TO CLOSE HEARING AND ADOPT SUBITEMS A THROUGH

H. Second by Golding. Passed by the following vote:

Mitchell-not present Cleator-yea, Golding-yea, Williams-not

present Struiksma-yea, Gotch-yea, Murphy-yea, Killea- yea, Mayor Wilson-yea.

ITEM-334: PROCEEDINGS ABANDONED, ADOPTED AS RESOLUTION R-256263

(Continued from the Meeting of February 9 and March 23, 1982;
last continued at the City Manager's request.)

Four actions relative to the IMPROVEMENT of HORTON AVENUE
between SASSAFRAS STREET and SPRUCE STREET on Resolution of
Intention No. R-255577.

(1911 Street Improvement Act.)

Today's actions are:

Subitem-A: (R-82-650)

Adoption of a RESOLUTION approving the PLANS and
SPECIFICATIONS.

Subitem-B: (R-82-651)

Adoption of a RESOLUTION ORDERING WORK and directing NOTICE
INVITING BIDS.

Subitem-C: (R-82-652)

Adoption of a RESOLUTION INVITING SEALED PROPOSALS.

Subitem-D: (R-82-1266)

Adoption of an 8-vote RESOLUTION OF FEASIBILITY.

(Hearing open. No testimony taken.)

(Middletown Community area. DISTRICT-8.)

FILE LOCATION:

STRT D-2211

COUNCIL ACTION: (Tape location: D068-094).

Hearing began at 2:16 p.m. and halted at 2:18 p.m.

MOTION BY KILLEA TO CLOSE THE HEARING, ABANDON THE
PROCEEDINGS

AND FILE. Second by Struiksma. Passed by the following vote:

Mitchell-not present Cleator-yea, Golding-yea, Williams-not present

Struiksma-yea, Gotch-yea, Murphy-yea, Killea-yea, Mayor Wilson-yea.

* ITEM-335:

19820420

Matter of REZONING portions of PARCELS 4 and 5, PARCEL MAP-8547
(approximately 77.7 acres), located north of Clairemont
Mesa Boulevard, on the south and east sides of Antigua

Boulevard and on the west side of Via Valarta, in the Elliott Community Plan area, from ZONE R-1-40 (portions Hillside Review) to ZONE R-1-5.

(CASE-5-81-044. DISTRICT-7.)

Subitem-A: (R-82-1656) ADOPTED AS RESOLUTION R-256264

Adoption of a RESOLUTION certifying that the information contained in ENVIRONMENTAL NEGATIVE DECLARATION END-81-05-30 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (O-82-206) INTRODUCED, TO BE ADOPTED MAY 3, 1982

INTRODUCTION of an ORDINANCE for R-1-5 Zoning.

FILE LOCATION: ZONE 4/20/82

COUNCIL ACTION: (Tape location: D095-124).

Hearing began at 2:18 p.m. and halted at 2:21 p.m.

MOTION BY MURPHY TO CLOSE HEARING, ADOPT SUBITEM A AND INTRODUCE

SUBITEM B. Second by Killea. Passed by the following vote: Mitchell-not present Cleator-yea, Golding-yea, Williams-not present Struiksmay-yea, Gotch-yea, Murphy-yea, Killea-yea, Mayor Wilson-yea.

ITEM-336:

19820420

Matter of REZONING LOT 6, BLOCK 8, BROOKES ADDITION, MAP-596 (6,750 square feet), located at 3651 4th Avenue, in the Uptown Community Plan area, from ZONE R-4 to ZONE CO. (CASE-5-81-104. DISTRICT-8.)

Subitem-A: (R-82-1655) ADOPTED AS RESOLUTION R-256265

Adoption of a RESOLUTION certifying that the information contained in ENVIRONMENTAL NEGATIVE DECLARATION END-81-12-30 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (O-82-205) INTRODUCED, TO BE ADOPTED MAY 3, 1982

INTRODUCTION of an ORDINANCE for CO Zoning.

FILE LOCATION: ZONE 4/20/82

COUNCIL ACTION: (Tape location: D125-200).

Hearing began at 2:21 p.m. and halted at 2:26 p.m.

MOTION BY GOLDING TO CLOSE HEARING, ADOPT SUBITEM A AND
INTRODUCE

SUBITEM B. Second by Cleator. Passed by the following vote:

Mitchell-not present Cleator-yea, Golding-yea, Williams-not present

Struiksma-yea, Gotch-yea, Murphy-yea, Killea-yea, Mayor Wilson-yea.

ITEM-337:

19820420

Matter of REZONING PUEBLO LOT 1234 of the PUEBLO LANDS OF
SAN DIEGO, MISCELLANEOUS MAP-36 (approximately 11,000 square
feet), located on the northwest corner of Clairemont Mesa

Boulevard between Longford Street and Diane Avenue, in the

Clairemont Mesa Community Plan area, from ZONE R-1-5 to ZONE
R-3.

(CASE-82-0013. DISTRICT-6.)

Subitem-A: (R-82-1654) ADOPTED AS RESOLUTION R-256266

Adoption of a RESOLUTION certifying that the information

contained in ENVIRONMENTAL NEGATIVE DECLARATION END-82-0013 has

been completed in compliance with the California Environmental

Quality Act of 1970 and State guidelines, and that said

declaration has been reviewed and considered by the Council.

Subitem-B: (O-82-204) INTRODUCED, TO BE ADOPTED MAY 3, 1982

INTRODUCTION of an ORDINANCE for R-3 Zoning.

FILE LOCATION: ZONE 4/20/82

COUNCIL ACTION: (Tape location: D201-240).

Hearing began at 2:26 and halted at 2:29 p.m.

MOTION BY GOTCH TO CLOSE HEARING, ADOPT SUBITEM A AND INTRODUCE

SUBITEM B. Second by Golding. Passed by the following vote:

Mitchell-not present Cleator-yea, Golding-yea, Williams-not present

Struiksma-yea, Gotch-yea, Murphy-yea, Killea-yea, Mayor Wilson-yea.

ITEM-338: CONTINUED TO MAY 25, 1982, AT 9:30 TIME CERTAIN

Proposal to adopt City Council Policy 600-3, Coastal Housing

Program, to implement the requirements of Chapter 43, Statutes

of 1982 (AB 321 - Hannigan) and Chapter 1007, Statutes of 1981

(SB 626 - Mello) mandating the replacement of existing

dwelling units occupied by households of low or moderate income

proposed for demolition or conversion; and the provision of

housing for low and moderate income households in new housing developments, where feasible, where the proposed demolition, conversion or new development is located within the Coastal Zone.

Initiated by TLU on 2/8/82. Recommendation to place on City Council docket of 2/16/82. Districts 1, 3, 4, 5, and 7 voted yea. On 2/16/82 Council voted 7-0 to accept the report and directed the Planning Department and the Housing Commission to return to Council with further information when available. The Planning Commission's final hearing has been scheduled for 4/15/82. Adoption of Council Policy 600-3 entitled "COASTAL HOUSING PROGRAM."

FILE LOCATION:

MEET

COUNCIL ACTION: (Tape location: D241-F269).

Hearing began at 2:29 p.m. and halted at 3:56 p.m.

Testimony in favor be Bettie Sheppard, Phil Walling, David Riber, and Betsy Morris.

Testimony in opposition by Vernon Fox, Florence Fox, Robert Burns, Alan Perry, Julie Dillion, and Phillip Merten.

Attorney Alfred Weyl was allowed 15 minutes for comments.

Mayor Wilson left the chambers at 3:00 p.m.

MOTION BY GOTCH TO CONTINUE TO MAY 25, 1982, AT 9:30 A.M. TIME CERTAIN AT DEPUTY MAYOR KILLEA'S REQUEST. Second by Struiksma.

Passed by the following vote: Mitchell-not present Cleator-yea, Golding-yea, Williams-not present Struiksma-yea, Gotch-yea,

Murphy-yea, Killea-yea, Mayor Wilson-not present

* ITEM-CS-1: (R-82-1782) ADOPTED AS RESOLUTION R-256252

A Resolution adopted by the City Council in Closed Session on Tuesday, April 20, 1982:

Authorizing the City Manager to pay the sum of \$6,685.64 in the settlement of each and every claim against the City of San Diego, its agents and employees resulting from property damages to Louise Kelley; authorizing the City Auditor and Comptroller to issue one check to the contractor doing the repairs in the amount of \$6,685.64, made payable to LUTH & TURLEY, INC., in full settlement of all claims.

FILE LOCATION:

MEET

* ITEM-CS-2: (R-82-1792) ADOPTED AS RESOLUTION R-256253

A Resolution adopted by the City Council in Closed Session

on Tuesday, April 20, 1982:

Authorizing the City Manager to pay the sum of \$6,807.63 in the settlement of each and every claim against the City of San Diego, its agents and employees resulting from property damage to Julia Mercer; authorizing the City Auditor and Comptroller to issue one check to the contractor doing the repairs, in the amount of \$6,807.63, made payable to LUTH AND TURLEY CONSTRUCTION, in full settlement of all claims for repair work.

FILE LOCATION:

MEET

* ITEM-CS-3: (R-82-1807) ADOPTED AS RESOLUTION R-256254

A Resolution adopted by the City Council in Closed Session on Tuesday, April 20, 1982:

Authorizing the City Attorney to accept \$75,000.00 in full satisfaction of each and every claim of the City of San Diego against Royal Indemnity Company, Superior Court Case No. 436168.

FILE LOCATION:

MEET

ADJOURNMENT:

BY common consent the meeting was adjourned by Deputy Mayor Kille at 3:56 p.m.